

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL D. BYARS,

Plaintiff,

vs.

WILLIAM MURWIN, et. al. ,

Defendants.

3:14-cv-00075-RCJ-WGC

ORDER

Before the court is Defendants'¹ Motion for Stay pending Screening. (Doc. # 7.)²

Plaintiff, who is a prisoner in the Nevada Department of Corrections, originally filed this matter in the Tenth Judicial District Court of the State of Nevada, County of Churchill, alleging the violation of his rights under the Fourth and Fourteenth Amendments of the United States Constitution and the Nevada Constitution, as well as a State law claim for assault. (Doc. # 1-1.) Defendants have removed the action to federal court. Defendants have filed a motion to stay this

¹This motion is only brought by defendants Matheson, Murwin, and Zolyniak. Defendant Matheson concedes he was properly served with the summons and complaint. Defendants Murwin and Zolyniak indicate they are appearing for the limited purpose of obtaining a temporary stay of deadlines as the do not concede the propriety of service on them. (Doc. # 7 at 2.)

² Refers to court's docket number.

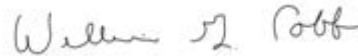
1 proceeding pending screening by the court.

2 Defendants are correct that Federal courts must conduct a preliminary screening in any case
3 in which a prisoner seeks redress from a governmental entity or officer or employee of a
4 governmental entity. *See* 28 U.S.C. § 1915A(a). In its review, the court must identify any cognizable
5 claims and dismiss any claims that are frivolous, malicious, fail to state a claim upon which relief
6 may be granted or seek monetary relief from a defendant who is immune from such relief. *See* 28
7 U.S.C. § 1915A(b)(1),(2).

8 Accordingly, Defendants' motion for a stay pending screening (Doc. # 7) is **GRANTED**. The
9 court will issue a report and recommendation to United States District Judge Robert C. Jones
10 regarding screening of Plaintiff's complaint. The action will be stayed until Judge Jones issues an
11 order on the report and recommendation.

12 **IT IS SO ORDERED.**

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14 **Dated this 3rd day of March, 2014.**

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17 **WILLIAM G. COBB**
18 **UNITED STATES MAGISTRATE JUDGE**
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